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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,975	12/01/2008	Pascale Tardieu	ESSR:127US/10613593	7584
32425	7590	01/13/2011	EXAMINER	
FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701				PATEL, RONAK C
ART UNIT		PAPER NUMBER		
		1788		
NOTIFICATION DATE			DELIVERY MODE	
01/13/2011			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aopatent@fulbright.com

Response to Arguments

1. Applicant's amendment entered 12/28/2010 has been entered. Applicant's arguments filed 12/28/2010 have been fully considered but they are not persuasive.

Applicant's argues that given the date of the reference, Chen et al. (US 2008/0311287) is not proper prior art against the claimed invention. However, it should be noted that Chen is used as an evidence reference just to teach the motivation of using a coating composition comprising a swelling agent such as alcohol and ketone. In certain circumstances, references cited to show a universal fact need not be available as prior art before applicant's filing date. *In re Wilson*, 311 F.2d 266, 135 USPQ 442 (CCPA 1962). Such facts include the characteristics and properties of a material or a scientific truism. See MPEP 2124.

2. Applicant argues that the list of particles that can be selected in Knox (US 2005/0196626) is far greater than what the examiner references at page 8 and particles referenced by the examiner are not even referred as pigments.

However, Applicant discloses that use of pigments which includes colloidal silica, titanium oxide or cesium oxide. While Knox does not explicitly refer to colloidal silica, titanium oxide or cesium oxide as pigments, given that they are identical to the ones used by the applicant in his invention, it is clear that they would intrinsically be pigments. Further, it should be noted that while Knox does disclose other pigments or particles than those claimed, Knox does not disclose a vast number of pigments from which to choose. Additionally, Knox explicitly discloses pigments such as colloidal silica, titanium oxide, cesium oxide and mixtures thereof. Therefore, absent evidence to the

contrary, it would have been obvious to one of the ordinary skill in the art to pick colloidal silica, titanium oxide mixed together with the polyurethane latex, which is also disclosed by Knox ([0159]), in the photochromic polymeric coating composition.

3. It is noted that claim 62 has improper status identifier. Claim 62 should be indicated as "Withdrawn".

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONAK PATEL whose telephone number is (571)270-1142. The examiner can normally be reached on Monday to Thursday 8 AM EST to 6PM EST.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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/R. P./
Examiner, Art Unit 1788
01/10/2010

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1787